

JOURNAL OF THE FLORIDA SENATE

Friday, May 3, 1974

The Senate was called to order by the President for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

The following measures were read the first time by title and referred to committee as indicated:

By Senator Gillespie—

SB 1084—A bill to be entitled An act relating to Volusia County; creating and establishing a local government study commission in Volusia County to be known as the Halifax Area Study and Charter Drafting Commission, to study the structures, services, functions and operations of all governmental units and bodies located in the "Halifax Area", as defined by this act, to determine the need, if any, for unification of services, separation, addition, removal or other revision of any or all of the governmental structures, services, functions and operations within the Halifax Area, and to determine whether tax savings can be made and whether efficiency can be gained through the revision of such structures, services, functions and operations; requiring the commission to recommend a plan or charters of governmental units providing for the solution of problems disclosed as a result of such study and submit the same to the members of the Florida legislature whose election district includes Volusia County or to the Volusia County council or municipal governing bodies for enactment or implementation of such plan or charters; providing for the number, qualification and method of appointment of the members of the commission, naming the first members of the commission; providing for the terms of office and method of filling vacancies on the commission; providing powers, functions and duties of the commission; providing for the transfer and expenditure of funds from predecessor organizations including the Halifax Area Study Commission and Halifax Area Charter Drafting Commission; providing for the payment of costs of operation, use, accounting and disbursement of funds of the commission; authorizing the cities of Daytona Beach, Daytona Beach Shores, Holly Hill, Port Orange, Ormond Beach, South Daytona, Town of Ponce Inlet, North Peninsula Zoning Commission, South Peninsula Zoning Commission and Volusia County to make contributions to the commission; providing for an effective date.

Evidence of notice and publication was established by the Senate as to SB 1084.

—to Rules and Calendar.

By Senator de la Parte—

SCR 1085—A concurrent resolution commending Ronnie D. Gallant and Donna G. Holleger for their bravery and courage in acting swiftly to protect the lives of their fellow classmates at Key Largo Elementary School after a truck-school bus collision.

—to calendar.

By Senator de la Parte—

SCR 1086—A concurrent resolution commending Frederick Douglas, Jr., and Scott Dunn for bravery and courage in saving the life of a small boy.

—to calendar.

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Gallen	Johnson	Peterson
Barron	Gillespie	Johnston	Pettigrew
Brantley	Glisson	Lane (31st)	Plante
Childers	Gordon	Lane (23rd)	Poston
Deeb	Graham	Lewis	Saunders
de la Parte	Gruber	McClain	Saylor
Firestone	Henderson	Myers	Scarborough

Sims	Sykes	Ware	Wilson
Smathers	Trask	Weber	Winn
Stolzenburg	Vogt	Williams	Zinkil

Prayer by Reverend Edward W. Norman, Minister, Trinity United Methodist Church, Tallahassee:

O God, who knows us better than we know ourselves; whose faithfulness towards us never lets us down; whose love towards us never lets us go—help us to know that thou art the Lord of history, and that when we strive to know thy purpose and work to do thy will we are working in harmony with the very highest and the very best. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Friday, May 3, 1974, at 9:30 a.m.:

SB 66	SB 556	SB 56	HB 282
SB 79	HB 1974	HB 1174	SCR 1082
SB 219	HB 1107	HB 218	SB 793
SB 520	HB 611	HB 1460	SB 810
SB 215	SB 573	SB 966	SB 15
HB 2929	HB 580	HB 1716	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: SB 194 with 2 amendments

The Committee on Education recommends the following pass: SB 702 with 4 amendments

The Committee on Consumer Affairs recommends the following pass: SB 718 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1016

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Consumer Affairs recommends the following pass:

SB 775	SB 782	SB 903
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The Committee on Health and Rehabilitative Services recommends the following pass: HB 1298

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Consumer Affairs recommends a Committee Substitute for the following: SB 733

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Consumer Affairs recommends a Committee Substitute for the following: SB 296

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1020

The Committee on Judiciary recommends Committee Substitutes for the following: SB 727, SB 1038

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

SB 805 by Senator de la Parte
 SB 838 by Senator Trask
 Memorial 856 by Senator Lane (31st)
 SB 865 by Senator Myers
 SB 881 by Senator Myers
 SB 882 by Senator Sayler
 SB 897 by Senator Smathers
 SB 906 by Senator Lane (31st)
 SB 917 by Senator Myers
 SB 924 by Senator Wilson
 SB 928 by Senator Gordon
 SB 946 by Senator Deeb
 SB 950 by Senator Scarborough
 SB 958 by Senator Gruber
 SB 982 by Senator Myers
 SB 998 by Senator de la Parte
 SB 1005 by Senator Williams
 SB 1014 by Senator Saunders
 SB 1015 by Senator Myers
 SB 1019 by Senator Myers
 SB 1023 by Senator Myers
 HB 303 by Representative Tucker
 HB 318 by Representative Williamson

The Committee on Judiciary requests an extension of 10 days for the consideration of the following:

SB 27 by Senator Wilson
 SB 37 by Senator Sayler
 SB 120 by Senator Gillespie
 SB 231 by Senator Glisson
 SB 313 by Senator Sims
 SB 377 by Senator Johnson
 SB 418 by Senator McClain
 SB 445 by Senator Johnson
 SB 248 by Senator Ware
 SB 249 by Senator Ware
 SB 250 by Senator Ware
 SJR 252 by Senator Ware
 SB 446 by Senator Johnson
 SB 469 by Senator Glisson
 SB 474 by Senator Scarborough
 SB 495 by Senator Lane (31st)
 SB 507 by Senator Sykes
 SB 566 by Senator Johnson
 SB 571 by Senator Scarborough
 SB 753 by Senator Poston
 SB 777 by Senator Gordon
 SB 789 by Senator Gordon
 SB 798 by Senator Wilson
 SB 800 by Senator Sims
 SB 802 by Senator Pettigrew
 SB 817 by Senators Gallen, Gillespie, de la Parte, Ware
 SB 853 by Senator McClain
 HB 2533 by Representative Spicola

The Committee on Natural Resources and Conservation requests an extension of 10 days for the consideration of the following:

SB 1 by Senators Sayler and Henderson
 SB 3 by Senators Henderson and Sayler
 SB 4 by Senators Ware and Sayler
 SB 124 by Senator Weber and others
 SB 147 by Senator Gillespie
 SB 316 by Natural Resources and Conservation Committee
 SB 351 by Senator Vogt
 SB 452 by Senator Glisson
 SB 481 by Senator Pettigrew
 SB 504 by Senator Lane (23rd)
 SB 574 by Senator Childers

The Committee on Transportation requests an extension of 10 days for the consideration of the following:

SB 141 by Senator Poston
 SB 196 by Senator Lewis
 SB 221 by Senator Plante
 SB 308 by Transportation Committee
 SB 319 by Senator Poston
 SB 396 by Senator Poston
 SB 508 by Senator Pettigrew
 SB 548 by Senator Gillespie
 SB 549 by Senator Childers
 SB 560 by Senator Stolzenburg
 SB 575 by Transportation Committee
 SB 735 by Senator Brantley
 SB 795 by Transportation Committee
 SB 832 by Senator Stolzenburg
 SB 837 by Senators Trask and Peterson
 SB 852 by Senator Johnson
 SB 867 by Senator Poston
 SB 868 by Senator Poston
 SB 713 by Senator Firestone
 CS/HB 100 by Natural Resources Committee
 HB 794 by Representative Holloway
 HB 808 by Transportation Committee
 HB 1190 by Representative Rude

HB 1191 by Representative Rude
 HB 1785 by Representative Holloway
 CS for HB 1878 by Transportation Committee
 HB 2088 by Transportation Committee
 HB 2674 by Governmental Operations Committee
 HB 2389 by Transportation Committee
 HM 2641 by Representative Cohen
 HB 2101 by Insurance Committee

The Committee on Rules and Calendar requests an extension of 10 days for the consideration of the following:

SB 288 by Senator Johnson
 SB 317 by Senator Poston
 SJR 25 by Senator McClain
 SJR 44 by Senator Winn
 SJR 47 by Senator Sayler
 SJR 104 by Senator Lane (31st)
 SB 115 by Senator Lane (31st)
 SB 52 by Senator Scarborough
 SJR 125 by Senator Henderson
 SJR 140 by Senators Myers and Horne
 SB 149 by Senator Gillespie
 SB 175 by Senator Horne
 SB 207 by Senator Gallen
 SB 253 by Senator Trask
 SB 490 by Senator Johnson

The Committee on Consumer Affairs requests an extension of 10 days for the consideration of the following:

SB 12 by Senators Zinkil, Winn, Firestone, Myers and Deeb
 SB 93 by Senator Sykes
 SB 232 by Senator Trask
 SB 242 by Senator Johnson
 SB 279 by Senator Johnson
 HB 1772 by Representative John Harlee
 SB 774 by Senate Consumer Affairs Committee

By unanimous consent Senator Horne was recorded as voting yea on HB 2155 and SB 499 which passed the Senate May 1.

EXECUTIVE BUSINESS

By direction of the President, the following communication, certificate and report were read:

Honorable Joe Brown
 Secretary of the Senate
 The Capitol

April 30, 1974

Dear Mr. Brown:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the name of a person for whom a commission has been prepared and which is subject to confirmation by the Senate.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
 Secretary of State

By (Mrs.) *Dorothy W. Glisson*
 Director, Division of Elections

I, Richard (Dick) Stone Secretary of State of the State of Florida, do hereby certify that pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, a commission which is subject to confirmation by the Senate has been prepared for the following:

NAME
 C. Herman Terry
 Jacksonville

OFFICE
 Member, Jacksonville Port Authority,
 Duval County

FOR TERM
 ENDING
 October 1, 1977



GIVEN under by hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Thirtieth day of April A.D. 1974.

RICHARD (DICK) STONE
 Secretary of State

Which was referred to the Committee on Natural Resources and Conservation.

Honorable Mallory E. Horne
President, The Florida Senate
The Capitol

May 1, 1974

The Honorable Mallory E. Horne, President

May 2, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

Re: Suspension of
Roy C. Baker, Sheriff,
Martin County, Florida

By Senators Myers and Pettigrew—

SB 9—A bill to be entitled An act relating to occupational and professional licensing; amending section 455.012, Florida Statutes; providing that no person shall be disqualified from practicing an occupation or profession that is regulated by the state solely because he is not a United States citizen; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 11—12, strike a reasonable time and insert the following: five (5) years

On motion by Senator Myers, the Senate concurred in the House amendment to SB 9.

SB 9 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Sykes
Barron	Graham	Peterson	Vogt
Brantley	Gruber	Plante	Ware
Childers	Henderson	Poston	Weber
de la Parte	Johnson	Saylor	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

The Honorable Mallory E. Horne, President

May 2, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 and requests the Senate to recede. In the event the Senate refuses to recede requests a Conference Committee.

The Speaker has appointed Representatives Andrews, Libertore, Steinberg, McPherson and Hazelton as the Conferees on the part of the House.

By the Committee on Business Regulation and Representative Steinberg and others—

HB 2155—A bill to be entitled An act relating to condominiums and cooperative apartments; amending §711.03(9), Florida Statutes, 1971, and adding new subsections, to define the terms "board of administration", "condominium property", and "developers"; amending §711.04(1), Florida Statutes, 1971, relating to the term "condominium parcel", to include certain leaseholds within its meaning; amending §711.06(1)(a), Florida Statutes, 1971, relating to the term "common elements", and adding a subsection to accommodate the use of a leasehold and to provide for the incorporation of recreation areas; amending §711.08, Florida Statutes, 1971, to incorporate the use of certain leaseholds and to provide for the contents of the declaration of creation; amending §711.10(3), Florida Statutes, 1971, relating to amendment of the declaration, to provide that a unit owner's share in common expenses and surplus may not be changed unless the unit owner joins in the amendment; amending §711.11(1) and (2), Florida Statutes, 1971, to provide for inclusion of certain provisions in the bylaws of a condominium; amending §711.12, Florida Statutes, 1971, to permit an association to operate more than one (1) condominium and to provide certain other powers for condominium associations; repealing §711.13(4), Florida Statutes, 1971, as amended, which relates to cancellation of contracts for maintenance, management, or operation of a condominium; amending §711.15(6), Florida Statutes, 1971, relating to assessment liability, to provide protection for

Dear Mr. President:

Roy C. Baker was the duly elected sheriff of Martin County, and was serving in that capacity when he was suspended from office by the Governor on May 17, 1972. The suspension was not based upon the filing of criminal charges against Mr. Baker, but merely recited the normal grounds for suspension contained in Article IV, §7(a), of the Florida Constitution, 1968 revision.

After the suspension, Mr. Baker, through his attorney, requested in writing that he be given more detailed information on the charges, or be allowed to plead his case before the Governor; or, in the alternative, that the Attorney General file suit to test the validity of the suspension order. Ultimately, the requests were rejected by the Governor and the Attorney General.

On his own initiative, Mr. Baker then won a Circuit Court ruling for the ouster of his appointed successor, Robert L. Crowder. Subsequently, the District Court of Appeal for the Fourth District, in a two-to-one decision, upheld the ouster on the grounds that the Governor's suspension order was fatally lacking in specificity. Two attempts by Mr. Crowder to win Supreme Court review of the lower court ruling were rejected. On March 27, 1974, Mr. Crowder's attorney advised the Senate his client would not pursue the appeal further.

While the litigation was proceeding, and on the request of Mr. Baker, the advice of Senator Frederick B. Karl (then Chairman of the Select Committee on Executive Suspensions), and with the approval of then Senate President Jerry Thomas, no Senate review of the suspension was pursued.

A Notice of prehearing was dispatched to Mr. Baker by Senator Karl (then Special Master) on December 26, 1972, calling for a prehearing conference January 15, 1973. With consent of Mr. Baker, and because of the continuing litigation, that prehearing conference was not held.

It might be noted that throughout the litigation the Governor took no action to defend the sufficiency of his Order of Suspension. Nor has the Governor indicated any inclination at this time to attempt to amend, perfect or re-enter the order directed to Mr. Baker.

It is Article IV, §7(b), of the Florida Constitution which empowers the Senate to remove or reinstate a public official suspended by the Governor. In the absence of a viable suspension order, as in this case, it would appear there is no suspended official.

Therefore, it is recommended that the Senate take no action.

Respectfully submitted,
DEMPSEY J. BARRON
Chairman, Select Committee
On Executive Suspensions

On motion by Senator Barron, the foregoing report was unanimously adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 3, 1974

I am directed to inform the Senate that the House of Representatives has passed SB 245 SB 251 SB 7

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Mallory E. Horne, President May 3, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 259 (cs) HB 3031

Allen Morris, Clerk

certain purchasers at mortgage foreclosure sales; repealing §711.19(3), Florida Statutes, 1971, which relates to the application of homestead exemption from taxation; amending §711.20(1), Florida Statutes, 1971, to provide for notice of liens; redesignating §711.23, Florida Statutes, 1971, as §711.62 and amending said section to provide for obligations for unit owners and penalties for violations; repealing §711.24, Florida Statutes, 1972 Supplement, which relates to full disclosure prior to sale; redesignating §711.25, Florida Statutes, 1971, as §711.67 and amending said section to provide for the use of proceeds from the sale of condominiums and cooperative apartments prior to closing; repealing §§711.30, 711.31, and 711.32, all Florida Statutes, 1971, which relate to maintenance, disclosure prior to sale, and deposits for cooperative apartments; creating §§711.41, 711.42, 711.43, 711.44, 711.45, 711.46, and 711.47, Florida Statutes, relating to cooperative apartments; providing for cooperative parcels, appurtenances, possession, and enjoyment; providing for bylaws; providing for cooperative associations; providing for common expenses and common surplus; providing for assessments and liabilities; creating §§711.61, 711.63, 711.64, 711.65, 711.66, 711.68, 711.69, 711.70, and 711.71, Florida Statutes, relating to creation, sale and lease of condominiums and cooperative apartments; providing for contents of leases; providing that rent payable under certain leases shall not be secured by a lien on a residential unit; providing for completion of phase projects; providing warranties at sale; providing for transfer of association control; providing for contents of prospectuses; providing for disclosure; providing for publication of false or misleading information; declaring recreational leases void as against public policy; providing an effective date.

Allen Morris, Clerk

On motions by Senator Zinkil the Senate refused to recede from Senate amendments 1 and 2 to HB 2155 and acceded to the request of the House for a conference committee. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 2, 1974

I am directed to inform the Senate that the House of Representatives has passed—

HB 1343	HB 1408	HB 2112
HB 3423	HB 3273	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Brown and others—

HB 1343—A bill to be entitled An act relating to local government; amending §163.02(2), Florida Statutes, 1971, which provides for representation on councils of local public officials, to provide that the representative of each member local government shall be the chief executive of the local government or his appointee; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representative Steinberg—

HB 1408—A bill to be entitled An act relating to the yacht and ship broker's fund; amending subsection (3) of section 537.07, Florida Statutes, to provide that all fees charged and collected under chapter 537, Florida Statutes, shall be deposited in the general revenue fund rather than into a yacht and ship broker's fund; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Judiciary and Representative Harris—

HB 2112—A bill to be entitled An act relating to common law declarations of trust; creating §609.08, Florida Statutes; providing authority to acquire an estate or interest in or lien on real property; providing that the association may convey, transfer, encumber, dispose of and otherwise deal with real property; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By the Committee on Finance & Taxation—

HB 3423—A bill to be entitled An act relating to sales and use tax; amending subsection (8) of section 212.06, Florida Statutes, 1971; providing that tangible personal property used in another state for six months or more is exempt from tax; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Representatives Tolton and Earle—

HB 3273—A bill to be entitled An act relating to podiatry; amending §461.12(2)(b), Florida Statutes, 1973, increasing the penalty for practicing podiatry without a license; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

The Honorable Mallory E. Horne, President May 1, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 3096 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representatives Papy and Tucker—

CS for CS for HB 3096—A bill to be entitled An act relating to workmen's compensation; amending §440.02(1)(c), (2), (13), (15) and (16), Florida Statutes, 1973, relating to definitions; extending coverage to certain agricultural employees and personnel associated with athletic events; providing that the words "child," "grandchild," "brother," and "sister" include certain persons up to twenty-two (22) years of age; adding a subsection (3) to §440.04, Florida Statutes, 1973, allowing an officer of a corporation who has elected exemption from the workmen's compensation act to revoke such exemption; amending §440.05, Florida Statutes, 1973, requiring corporate officers electing an exemption or revoking an exemption from the chapter to give notice to the division of labor of the department of commerce; creating §440.075, Florida Statutes, providing for application of common law in suits involving exempt corporate officers; amending §440.09(1) and (2), Florida Statutes, 1973, relating to the payment of workmen's compensation for accidents which occur elsewhere than in this state; providing that compensation will not be paid when the employee is already covered by certain federal compensation acts; amending §440.10(1), Florida Statutes, 1973, providing that a subcontractor is not responsible for payment of compensation to employees of another subcontractor; providing that the liability provisions of §440.11, Florida Statutes, do not protect a subcontractor other than the employer of an injured employee; amending §440.12(2) and (3), Florida Statutes, 1973, providing a formula for relating maximum compensation rate to a state average weekly wage; amending present subsection (3) and adding a new subsection (3) to §440.14, Florida Statutes, 1973, providing alternative method of computation of compensation for seasonal workers; amending §440.15(1) and (2), Florida Statutes, 1973, increasing compensation for certain employees; providing additional temporary total disability compensation for certain serious injuries; amending §440.151(1)(a) and (2), Florida Statutes, 1973, expanding the type of diseases covered by the act; amending §440.16(2), Florida Statutes, 1973, increasing dollar limit on compensation for a death; reducing compensation to surviving spouse without children; providing coverage for surviving children where surviving spouse dies or remarries; increasing compensation to children when there is no widow or widower; adding subsection (5) to §440.18, Florida Statutes, 1973, requiring certain employers to give notification to their insurance carriers in case of accident; providing a civil penalty; amending §440.20(5), Florida Statutes, 1973, providing that the ten percent penalty for late payments may be assessed against the insurer or employer; amending §440.24(4), Florida Statutes, 1973, permitting judges of industrial claims to dismiss certain claims or payments for noncompliance; amending §440.25(3)(a), Florida Statutes, 1973, permitting employers to require reasonable medical examinations of employees; providing for free copies of certain medical reports to an employee or his attorney; adding subsection (3) to §440.29, Florida Statutes, 1973, providing rules of procedure for judges of industrial claims and the industrial relations commission; amending §440.30, Florida Statutes, 1973, providing for deposition of parties and payment of fees; amending §440.39(3)(a), Florida Statutes, 1973, providing

for recovery for the employer and the insurance carrier from a judgment obtained by an employee against a third party in certain cases; amending §440.44(8), Florida Statutes, 1973, relating to the designation of an advisory council to aid the division; amending §440.45(1), (2) and (3), Florida Statutes, 1973, removing restriction on the number of judges of industrial claims and providing at least one (1) judge for each judicial circuit in the state; providing for review of judges by the judicial nominating commission; providing for report of a vacancy to the division; increasing the salary of each full-time industrial claims judge; amending §440.49(4)(b), (c), (d), (e), (f), and (g), Florida Statutes, 1973, defining "permanent physical impairment," "merger," and "excess permanent compensation"; providing for reimbursement from the special disability trust fund in permanent disability cases; providing for reimbursement in death cases; providing for reimbursement of certain temporary disability compensation and medical benefits; requiring a minimum reimbursement of three thousand dollars (\$3,000) and employer's prior knowledge of the employee's preexisting physical condition; providing for apportionment credit; establishing a procedure for filing and determining a claim for reimbursement; amending §440.50(1)(a), Florida Statutes, 1973, providing for payments under §440.15(1)(e), Florida Statutes, from the workmen's compensation administration trust fund; amending §440.51(1)(b), Florida Statutes, 1973, allowing insurance companies to elect to make payments under §440.15(1)(e), Florida Statutes; repealing §440.151(6), Florida Statutes, 1973, relating to disability from certain dust diseases; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary and Ways and Means.

The Honorable Mallory E. Horne, President May 2, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3422	HB 1685	HB 1546
HB 1814 (cs)	HB 2465	HB 3245

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 3422—A bill to be entitled An act relating to sales and use tax; amending paragraph (b) of subsection (6) of section 212.12, Florida Statutes, 1971; providing that a dealer or person with incomplete records is subject to assessment for tax; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Representative Tobiasen (by request)—

HB 1685—A bill to be entitled An act relating to the Florida optometry law by amending §463.06, Florida Statutes to increase the salary of the secretary of the board; increasing the amount of bond required; and providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Representative McPherson and others—

HB 1546—A bill to be entitled An act relating to safety equipment inspection; amending §325.16, Florida Statutes, 1971, to allow motor vehicle reinspection at any authorized inspection station in the state; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By the Committee on Environmental Protection and Representatives Dyer and Young—

HB 1814 (cs)—A bill to be entitled An act relating to pollution control; amending §403.088(6), Florida Statutes, 1973, which relates to water pollution operation permits, to provide that the sole authority for the issuance of interim permits for

the installation, operation, and use of package treatment plants is the department of pollution control and to provide for the issuance of such permits; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representatives Williamson and Malloy—

HB 2465—A bill to be entitled An act relating to insurance; amending §627.736(4)(b) and (c), Florida Statutes, 1971, providing that personal injury protection insurance with respect to the automobile reparations repair act shall be deemed overdue if not paid within thirty (30) days after certain written notice of claim; providing for a ten percent (10%) penalty for overdue payments; providing exceptions; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Transportation and Representative Holway—

HB 3245—A bill to be entitled An act relating to turnpike service stations; amending section 340.12(2), Florida Statutes, deleting requirement that one company may not have consecutive service stations along one side of the turnpike or that such company may not have more than one station if such station constitutes more than fifty percent (50%) of the service stations on the turnpike project; providing that no more than one service station may serve one service plaza; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

The Honorable Mallory E. Horne, President May 2, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

CS for HB 661	HB 1122	HB 3440
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—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Melvin and others—

CS for HB 661—A bill to be entitled An act relating to hotels and restaurants; amending Section 509.151, Florida Statutes, 1973, to limit its applicability to transient occupancy, to provide that anyone who obtains food, lodging, or other accommodations at certain public lodging or food service establishments with intent to defraud where the food, lodging, or accommodations have a value of less than one hundred dollars (\$100) shall be guilty of a misdemeanor of the second degree, but if the value is one hundred dollars (\$100) or more the person shall be guilty of a felony of the third degree; providing for arrest without warrant in misdemeanor cases; providing legislative intent; providing an effective date.

—was read the first time by title and referred to the Committee on Criminal Justice.

By Representative Gorman—

HB 1122—A bill to be entitled An act relating to juries; amending section 40.371, Florida Statutes; providing that when the alternative method of drawing juries by use of mechanical, electrical or electronic means is approved, the office of jury commissioner is abolished and the duties of jury commissioners shall be assumed by the clerk of the circuit court; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By the Committee on Finance & Taxation—

HB 3440—A bill to be entitled An act relating to taxation; amending subsections 220.03(1)(h) and (2)(c), Florida Statutes, 1973 Supplement, to redefine the term "Internal Revenue Code"; adding section 220.54, Florida Statutes, specifying the source of funds for certain costs related to administering the

income tax code; amending section 220.222(2)(a), Florida Statutes, to clarify the requirements for obtaining an extension or extensions of time within which to file the return required by the Corporation Income Tax Code; amending section 214.40, Florida Statutes, relating to penalties for failure to file timely returns; adding a new subsection providing for the assertion of a penalty for failure to file a tax return even though no tax is shown to be due thereon; adding a new subsection providing that if a penalty is assessed under subsection (1) no penalty will be assessed under subsection (2); amending section 608.27(1)(b), Florida Statutes, to clarify the corporate income tax liability of dissolved corporations; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President May 2, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

CS for HB HB 3120 HB 3016 HB 3424
2160

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and the Committee on Finance & Taxation—

CS for HB 2160—A bill to be entitled An act relating to podiatry; amending sections 461.05, 461.13 and 461.17, Florida Statutes, 1971, removing the requirement of membership in the Florida podiatry association for board membership; increasing the salary of the secretary-treasurer of the board; providing for the power of suspension; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Representative James—

HB 3120—A bill to be entitled An act relating to water management districts; creating §373.604, Florida Statutes; authorizing the governing board of a district to adopt a program of meritorious service awards for district employees; providing a limit on such awards; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representative Hair—

HB 3016—A bill to be entitled An act relating to blind and disabled persons; amending §413.08(4), Florida Statutes, 1973, and adding a subsection; providing that it is a misdemeanor of the second degree for any person or any employer to discriminate against any blind, visually handicapped, or otherwise physically disabled person on the basis of the disability alone in housing accommodations or in employment, unless the disability involved prevents satisfactory performance of the work involved; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By the Committee on Finance & Taxation—

HB 3424—A bill to be entitled An act relating to sales and use tax; amending subsection (5) of section 212.08, Florida Statutes, 1972 Supplement; providing that portable containers for use on a farm for processing and harvesting farm products are exempt from tax; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President May 2, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—CS for HB 3152 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance and Representative Brown and others—

CS for HB 3152—A bill to be entitled An act relating to insurance; creating §626.988, Florida Statutes; prohibiting insurance agents and solicitors associated with certain financial institutions from soliciting, negotiating, selling, effectuating or servicing any policy of insurance; providing exceptions with respect to certain types of insurance and certain agents and solicitors so engaged on April 2, 1974; providing certain additional exceptions; providing an effective date.

—was read the first time by title and placed on the calendar.

On motions by Senator Childers, House Bills 1941, 2409 and 1814 were withdrawn from the Committee on Governmental Operations by two-thirds vote and referred to the Committee on Natural Resources and Conservation.

SPECIAL ORDER

SB 66—A bill to be entitled An act relating to negligence actions; amending chapter 768, Florida Statutes, by adding section 768.31; providing that damages be awarded according to the comparative negligence principle; providing for contribution among defendants; providing for special verdicts; providing for abolishment of doctrine of last clear chance; providing an effective date.

—was taken up pending roll call.

Senator Barron moved the following amendments which were adopted by two-thirds vote:

Amendment 4—On page 2, line 5, after the word “defendants,” add the following sentence: The reference herein to contribution between joint defendants shall not prejudice the plaintiff’s right to recovery against either defendant.

Amendment 5—On page 2, strike sub section (3) and sub section (4)

Senator Barron moved the following title amendment which was adopted:

Amendment 6—On page 1, line 9—11, strike “providing for special verdicts; providing for abolishment of doctrine of last clear chance;”

SB 66 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—31

Mr. President	Graham	Pettigrew	Sykes
Barron	Gruber	Plante	Trask
Childers	Henderson	Poston	Vogt
Firestone	Johnson	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Myers	Stolzenburg	

Nays—5

de la Parte	Peterson	Ware	Wilson
Lewis			

By unanimous consent Senator Johnston was recorded as voting yea; Senator Graham changed his vote from yea to nay.

On motion by Senator Poston, John Christensen, staff director of the Committee on Transportation, was accorded privileges of the floor.

CS for SB 79—A bill to be entitled An act relating to land transactions; providing that persons or entities holding real property in any form of representative capacity shall make a written public disclosure of every person having a beneficial interest in the real property, however, small or minimal, before the real property held in representative capacity is sold or

leased, taken by eminent domain or otherwise conveyed to the state or to any local governmental unit or agency of either; providing exemptions; providing an effective date.

—was taken up, together with the following pending amendment which was adopted:

Amendment 1—On page 2, strike all of lines 1 and 2 and insert: This written disclosure shall be made to the chief officer, or to his officially designated representative, of the state, local governmental unit, or agency of either with which the

Senator Deeb moved the following amendment which failed:

Amendment 2—On page 1, line 19, strike “person or entity” and insert: public official or employee

Senator Poston moved the following amendment which failed:

Amendment 3—On page 1, on lines 19, 26 and 28 strike the word: “real”

Senator Deeb moved the following amendment:

Amendment 4—On page 1, line 29, strike “taken by eminent domain”

Senator Zinkil moved that CS for SB 79 be removed from the calendar and recommitted to the Committee on Transportation and the motion failed.

The question recurred on the adoption of Amendment 4 and the amendment failed.

Senator Poston moved the following amendment:

Amendment 5—On page 2, strike lines 7 through 18 and insert: Section 2. Any contract or written agreement executed in the absence of a required disclosure or executed following negotiations at which such disclosure was withheld or was materially incomplete or false is declared to be voidable within five years from the date of execution of such contract or agreement at the option of the state, local governmental unit, or agency of either. On or before the expiration of said five year period the state, local governmental unit, or agency of either shall furnish all persons who have entered into any such contract or agreement with a certificate, in recordable form, stating that the contract or agreement has or has not been voided, as the case may be, and in the event that any such contract or agreement affects real estate or has been recorded or filed in any public office of this state, then in either event, said certificate shall be recorded by the state, local governmental unit, or agency of either in the public records of the county in which such real estate is located or recorded or filed in the public office in which the original contract or agreement was recorded or filed. In the event that the state, local governmental unit, or agency of either shall fail to record or file said certificate as provided herein within said five year period, it shall be conclusively presumed that the state, local governmental unit, or agency of either did not, within the time permitted, exercise its option to void such contract or agreement.

Section 3. Any trust, business entity, enterprise, or corporation subject to the provisions of this act which conveys to a third party any interest which is subject to a contract, lease or agreement with any public agency as set forth in this act, shall, pursuant to such conveyance, provide the third party with an affidavit acknowledged under oath that the disclosure provisions of this act were fully complied with. Any person who makes a false affidavit under the provisions of this act is guilty of perjury and shall be subject to punishment as provided by §837.01, Florida Statutes.

Section 4. The state, local governmental unit or agency of either, shall send written notice by registered mail to the person required to make disclosures under this act prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

Section 5. Corporations registered with the federal securities exchange commission or corporations registered pursuant to chapter 517, Florida Statutes, and whose stock is for sale to the general public are hereby exempt from the provisions of this act. When disclosure of persons having beneficial interests in trusts are required, the trustee shall not be required by the provisions of this act to disclose persons having less than a five percent vested, noncontingent beneficial interest in the trust.

Section 6. This act shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of property by such governmental unit or agency.

Section 7. It is declared to be the legislative intent that, if any section, subsection, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 8. This act shall take effect upon becoming a law.

Senators Sykes and Zinkil offered the following amendment to Amendment 5 which was moved by Senator Sykes and adopted:

Amendment 5a—Strike Sections 2 and 3

Senator Ware moved the following amendment to Amendment 5 which was adopted:

Amendment 5b—On page 2, line 25, after “Section 5.” insert: Stock in

Senator Sayler moved the following amendment to Amendment 5 which was adopted:

Amendment 5c—On page 3, line 10, strike “upon becoming a law” and insert: on October 1, 1974

Senator Ware moved the following amendment to Amendment 5 which was adopted:

Amendment 5d—On page 2, line 30, strike “trustee” and insert: person

Amendment 5 as amended was adopted by the following vote:

Yeas—29

Mr. President	Johnson	Plante	Ware
Brantley	Johnston	Poston	Weber
Firestone	Lane (23rd)	Sayler	Williams
Gillespie	Lewis	Sims	Wilson
Glisson	McClain	Smathers	Winn
Gordon	Myers	Stolzenburg	
Graham	Peterson	Sykes	
Gruber	Pettigrew	Vogt	

Nays—1

Lane (31st)

Senator Sayler moved the following amendment which failed:

Amendment 6—On page 2, line 32, strike “five” and insert: one

Senator Gillespie moved the following amendment which was adopted:

Amendment 7—On page 2, line 6, insert: Notice of the deposit shall be made to the person or entity by registered or certified mail, before the 48 hour period begins

Senator Poston moved the following title amendment:

Amendment 8—On page 1, strike all of line 15 and insert: providing for voidability of contracts in certain cases; providing a time limit to assert voidability; requiring affidavits of disclosure upon conveyance of interests; providing notice of persons required to make disclosure; providing exemptions; providing severability; providing an effective date.

Senator Poston moved the following amendment to Amendment 8 which was adopted:

Amendment 8a—On page 1, lines 1—3, strike lines 1 through 3

Amendment 8 as amended was adopted.

On motion by Senator Poston, CS for SB 79 as amended was read the third time.

Senator Saylor moved that the Senate reconsider the vote by which CS for SB 79 was read the third time and the motion failed.

CS for SB 79 as amended passed and was ordered engrossed. The vote was:

Yeas—31

Mr. President	Gordon	Myers	Sykes
Brantley	Graham	Pettigrew	Trask
Childers	Gruber	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Williams
Firestone	Lane (31st)	Saylor	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	McClain	Smathers	

Nays—6

Gallen	Peterson	Weber	Wilson
Lewis	Stolzenburg		

CS for SB 219—A bill to be entitled an An act relating to health and rehabilitative services; amending subsection (1) of section 945.12, Florida Statutes, to provide for inmate transfers for rehabilitative treatment; amending subsection (1) of section 947.16, Florida Statutes, to provide, for purposes of parole eligibility, that the definition of "confined" includes persons transferred by the division of corrections to any appropriate treatment facility; providing an effective date.

—was taken up, together with the following pending amendment which was adopted:

Amendment 1—On page 1, line 27, strike "treatment" and insert: the purpose of providing such specialized service or treatment for as long as such service or treatment is needed but for no longer than the remainder of the prisoner's sentence.

On motion by Senator Myers, CS for SB 219 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—29

Mr. President	Graham	Plante	Vogt
Brantley	Gruber	Saylor	Williams
Childers	Lane (31st)	Scarborough	Wilson
de la Parte	Lane (23rd)	Sims	Winn
Firestone	Lewis	Smathers	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Sykes	
Gordon	Pettigrew	Trask	

Nays—None

By unanimous consent Senators Peterson, Poston, Deeb, Ware, Johnston and Gillespie were recorded as voting yea.

On motion by Senator Sykes, SB 97 was removed from the calendar by two-thirds vote and from further consideration of the Senate.

SB 520 was taken up, together with:

By the Committee on Commerce—

CS for SB 520—A bill to be entitled An act relating to insurance; creating §626.988, Florida Statutes; prohibiting insur-

ance agents and solicitors associated with certain financial institutions from soliciting, negotiating, selling, effectuating or servicing any policy of insurance; providing exceptions with respect to certain types of insurance and certain agents and solicitors so engaged on April 2, 1974; providing certain additional exceptions; providing an effective date.

—which was read the first time by title and SB 520 was laid on the table.

On motion by Senator Williams, by unanimous consent—

CS for HB 3152—A bill to be entitled An act relating to insurance; creating §626.988, Florida Statutes; prohibiting insurance agents and solicitors associated with certain financial institutions from soliciting, negotiating, selling, effectuating or servicing any policy of insurance; providing exceptions with respect to certain types of insurance and certain agents and solicitors so engaged on April 2, 1974; providing certain additional exceptions; providing an effective date.

—a companion measure to CS for SB 520 was substituted therefor. On motions by Senator Williams, by two-thirds vote CS for HB 3152 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Plante	Sykes
Brantley	Gordon	Poston	Trask
Childers	Gruber	Saunders	Vogt
Deeb	Johnson	Saylor	Ware
de la Parte	Lane (31st)	Scarborough	Williams
Firestone	McClain	Sims	Wilson
Gallen	Myers	Smathers	Winn
Gillespie	Pettigrew	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senators Lewis, Barron, Graham, Peterson and Johnston were recorded as voting yea.

Disclosure Pursuant to Rule 1.36

HB 3152 relates to financial institutions and the sale of insurance.

Due to the fact that I am Chairman of the Board of the Pan American Bank of Tampa, I am abstaining from voting on this bill to avoid a possible conflict of interest.

Julian Lane, 23rd District

CS for SB 520 was laid on the table.

SB 215 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 215—A bill to be entitled An act relating to corrections; creating the Florida Correctional Reform Act of 1974; providing legislative intent; providing definitions; creating section 944.023, Florida Statutes, to provide for a plan to be submitted to the legislature by the department of health and rehabilitative services and the parole and probation commission for the operation of the correctional system; creating section 944.024, Florida Statutes, to provide for adult intake and evaluation programs; creating section 944.025, Florida Statutes, to authorize pre-trial intervention programs and describing their content and procedures; creating section 944.026, Florida Statutes, to provide for community based correctional facilities and programs and to provide for a decentralized system of adult intake and evaluation programs; creating section 921.23, Florida Statutes, to prescribe the form and content of pre-sentence investigation reports and to mandate such reports on all adult felony offenders; amending sections 947.24 and 948.04, Florida Statutes, to establish maximum periods of parole and probation, unless otherwise specified by the court; providing for discharge from probation and parole by the commission in certain circumstances; amending section 947.17, Florida Statutes, to provide for procedures relating to parole; providing for certain procedures for placement of inmates in work release programs; amending subsections (2), (3) and (4) of section 948.01, Florida Statutes, relating to pre-sentence investi-

gation reports; providing for nonsupervised probation in certain misdemeanor cases; providing for split sentences for felony offenders; authorizing the placement of probationers in community residential programs operated by public or private agencies; amending section 944.09, Florida Statutes, to require the division of corrections to promulgate rules and regulations relating to inmate conduct, disciplinary procedures and inmate rights; creating section 944.55, Florida Statutes, to create an office of vocational education and career development in the division of corrections; creating job placement and vocational training centers and programs in designated institutions of the division of corrections; creating section 944.56, Florida Statutes, to create a vocational training advisory council to the division of corrections; creating section 944.57, Florida Statutes, to authorize expansion of the manpower development training program in the division of corrections; amending section 945.10, Florida Statutes, relating to the confidentiality of pre-sentence investigation reports; amending section 944.062, Florida Statutes, relating to the reception and medical center; amending section 945.025, Florida Statutes, relating to the jurisdiction of the division of corrections; amending section 945.09, Florida Statutes, relating to the commitment and classification of prisoners; creating sections 944.292 and 944.293, Florida Statutes, to provide for the suspension of certain civil rights upon conviction of a felony and to provide for procedures for application for the restoration of civil rights; amending section 947.01, Florida Statutes, to increase the membership of the parole and probation commission from five to eight; providing for qualifications of the members; amending section 947.10, Florida Statutes, to authorize the appointment of the director of the division of corrections to the parole and probation commission; providing an effective date.

—which was read the first time by title and SB 215 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 215 was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 22, line 21, strike "(1)"

Amendment 2—On page 23, strike lines 8 through 22

Amendment 3—On page 24, lines 22 and 23, strike "those institutions in section 15 of this chapter." and insert: appropriate institutions designated by the division.

Senator Smathers moved the following amendments which were adopted:

Amendment 4—On page 14, line 25, strike "factual and verified" and insert: factually presented and verified if reasonably possible

Amendment 5—On page 14, lines 5—6, strike "Where the recommendation to the court is for an institutional commitment, it" and insert: It

Amendment 6—On page 12, line 24, after "nolo contendere" insert: or guilty

Senator Myers moved the following amendment which was adopted:

Amendment 7—On page 12, lines 2—5

(1) After the word "department," strike the period and insert a colon.

(2) Transfer the sentence beginning on line 2 with the words "The purpose" and ending with "probationers", and transpose said sentence to the end of line 14 after the period.

Senators Myers and Smathers offered the following amendments which were moved by Senator Myers and adopted:

Amendment 8—On page 15, line 9, after the word "period." insert: The period of parole shall not in any event exceed the maximum period for which the person has been sentenced.

Amendment 9—On page 10, line 16, after the word "unsatisfactory" insert: or that he is in need of further supervision,

Amendment 10—On page 9, line 29, insert: In no case shall the defendant or the immediate family personally contact the victim or his immediate family to acquire the victim's consent under the provisions of this act.

Senator Myers moved the following amendment which was adopted:

Amendment 11—On page 20, line 22, strike "in the county jail or state prison" and insert: for a misdemeanor or a felony, except for a capital felony,

Senator Smathers moved the following amendments which were adopted:

Amendment 12—On page 9, lines 18 and 19, strike "a misdemeanor of the first and second degree" and insert: any misdemeanors

Amendment 13—On page 29, line 19, strike "an educator"

Senator Vogt moved the following amendment which was adopted:

Amendment 14—On page 30, between lines 26 and 27, insert: Section 26. Subsection (1) of section 951.22, Florida Statutes, is amended to read:

951.22. County detention facilities; contraband articles.—

(1) It is unlawful except as duly authorized by the sheriff or officer in charge to introduce into or possess upon the grounds of any county detention facility as defined in §951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles which are hereby declared to be contraband for the purposes of this act, to wit: Any intoxicating beverage; any narcotic or hypnotic or excitative drug; any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon; and any instrumentality of any nature that may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

Renumber subsequent section

Senators Sykes and Brantley offered the following amendment which was moved by Senator Sykes:

Amendment 15—On page 11, line 18, insert: provided however no facility shall be constructed, purchased or leased in any locality in which the county commission by resolution have expressly opposed said construction, purchase or lease

Senators Vogt and Saunders offered the following amendment to amendment 15 which was moved by Senator Vogt:

Amendment 15a—Line 7, insert: provided further that this power of resolution shall not apply to any county which contributes prisoners to the state corrections system.

Amendment 15a was adopted by the following vote:

Yeas—21

Mr. President	Graham	Pettigrew	Wilson
Barron	Gruber	Saunders	Winn
de la Parte	Lane (31st)	Scarborough	Zinkil
Firestone	Lewis	Smathers	
Glisson	McClain	Vogt	
Gordon	Myers	Williams	

Nays—11

Brantley	Peterson	Sims	Trask
Henderson	Plante	Stolzenburg	Weber
Johnson	Saylor	Sykes	

Amendment 15 as amended was withdrawn.

Senator Pettigrew moved the following amendment:

Amendment 16—On page 26, line 12—16, strike all of subsection (1) and insert: (1) The Lake Butler reception and

medical center may serve as a medical center, a regional intake and evaluation center, may be converted into any other suitable facility, or may serve a combination of any such purposes.

Amendment 16 was adopted by the following vote:

Yeas—29

Mr. President	Gillespie	Myers	Stolzenburg
Barron	Glisson	Peterson	Trask
Brantley	Gordon	Pettigrew	Vogt
Childers	Graham	Plante	Winn
Deeb	Gruber	Poston	Zinkil
de la Parte	Lane (23rd)	Saunders	
Firestone	Lewis	Scarborough	
Gallen	McClain	Smathers	

Nays—4

Johnson	Lane (31st)	Sims	Sykes
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Senators Sykes and Brantley offered the following amendment which was moved by Senator Sykes and adopted:

Amendment 17—On page 11, line 18, insert: Provided however, no facility shall be constructed leased or purchased in any county until public hearings have been held in that county.

Senator Johnson moved the following amendment which was adopted:

Amendment 18—On page 13, line 5, strike after the word "made," the rest of line 5 and all of line 6. and insert: and, at the offender's discretion, his version and explanation of the act.

Senator Pettigrew moved the following amendment which failed:

Amendment 19—On page 6, between lines 13 and 14, insert: Section 4. Section 944.035, Florida Statutes, is created to read:

944.035 Transfer of community correctional center program.

—All of the operations, personnel, materials, equipment, salaries, budgets and properties of the community correctional center program of the division of corrections as authorized in section 944.033, Florida Statutes, are hereby transferred to the parole and probation commission by a type four transfer as provided in section 20.06, Florida Statutes. All persons transferred shall retain all pension and retirement benefits and all the protections to which any career service employee is entitled. The department of administration shall have the powers to effectuate the intent of this provision.

Renumber subsequent sections.

Senators Graham and de la Parte offered the following amendment which was moved by Senator Graham and adopted:

Amendment 20—At the end of Amendment 17 insert: such public hearings shall be pursuant to uniform rules adopted by the department.

Senator Vogt moved the following amendment which was adopted:

Amendment 21—On page 3, line 21 after "commission;" insert: amending §951.22(1), Florida Statutes, to make it unlawful to possess certain items on the grounds of any county detention facility;

On motion by Senator Myers, by two-thirds vote, CS for SB 215 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Gallen	Johnson	Peterson
Barron	Gillespie	Johnston	Pettigrew
Brantley	Glisson	Lane (31st)	Plante
Childers	Gordon	Lane (23rd)	Poston
Deeb	Graham	Lewis	Saunders
de la Parte	Gruber	McClain	Scarborough
Firestone	Henderson	Myers	Sims

Smathers
Stolzenburg
Sykes

Trask
Vogt
Weber

Williams
Wilson
Winn

Zinkil

Nays—None

By unanimous consent Senator Ware was recorded as voting yea.

On motions by Senator Plante, HB 3295 was withdrawn from the Committees on Governmental Operations and Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Plante, unanimous consent was obtained to take up SB 556 out of order. On motion by Senator Plante—

HB 3295—A bill to be entitled An act relating to the fuel allocation office in the department of administration; providing an appropriation and positions for operations of the fuel allocation office during fiscal year 1973-74; providing an effective date.

—a companion measure to SB 556 was substituted therefor and read the second time by title.

Senator Williams offered the following amendments which were adopted on motions by Senator Plante:

Amendment 1—On page 1, line 24, strike line 24 and insert: (16) new positions for fuel allocation for the

Amendment 2—On page 1, in title strike lines 6 and 7 and insert: appropriation and positions for fuel allocation operations during fiscal year

Amendment 3—On page 1, in title strike line 4 and insert: An act relating to fuel allocation in

On motion by Senator Plante, by two-thirds vote HB 3295 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Graham	Pettigrew	Vogt
Barron	Gruber	Plante	Ware
Brantley	Johnson	Poston	Weber
Childers	Johnston	Saunders	Williams
Deeb	Lane (31st)	Scarborough	Wilson
Firestone	Lane (23rd)	Sims	Winn
Gallen	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	
Glisson	Myers	Sykes	
Gordon	Peterson	Trask	

Nays—None

SB 556 was laid on the table.

Senator Plante moved that the Senate reconsider the vote by which CS for SB 283 passed on May 2.

On motion by Senator Saunders, SB 299 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Graham, Rule 2.5 was waived and Subcommittee B of the Ways and Means Committee was granted permission to meet immediately upon adjournment instead of 2:00 p.m. this day.

The Journal of May 2 was corrected and approved.

The Journal of April 25 was further corrected and approved as follows:

Page 264, column 2, line 2, strike "399" and insert: 392

CO-INTRODUCER

Senator Myers was recorded as a co-introducer of SB 756.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:01 p.m. to convene at 2:00 p.m., May 6, 1974.